

REMARKS

I. Introduction

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-231 are requested to be cancelled. The cancellation of claims does not constitute acquiescence in the propriety of any rejection set forth by the Examiner. Applicants reserve the right to pursue the subject matter of the canceled claims in subsequent divisional applications.

Claim 232 and 262 are currently amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Upon entry of this Amendment, claims 232-269 will remain pending in the application.

No new matter has been added. The specification (e.g., p. 33, ll. 17-19, p. 10, l. 29, to p. 11, l. 9, and original claims 1 and 11) supports the amendment.

Because the foregoing amendments do not introduce new matter, entry thereof by the Examiner is respectfully requested.

II. Response to Issues Raised by Examiner in Outstanding Office Action

a. Claim Rejections - 35 U.S.C. § 102

Claims 232-234 and 238-269 are rejected under 35 U.S.C. § 102 as being anticipated by Schultz (US 5,985,356). Applicants respectfully request reconsideration and withdrawal of the rejection.

The Office asserts that the claims do not contain any elements that would distinguish the manufactured device as a “sensor” and does not contain any detection or control elements that one would expect from a “senor” or “sensor array.” See Office Action, paragraph bridging pp. 3-4.

Applicants have amended claim 232 to include a detector operatively associated with the sensor array.

The Examiner concedes that Schultz teaches a method of producing a device by placing two organic materials on a region but does not disclose a “sensor.” Id.

To anticipate a claim, the reference must teach every element of the claim. See MPEP § 2131. Applicants submit that the claims as amended recite sufficient structure to distinguish Schultz. Applicants respectfully request reconsideration and withdrawal of the rejection.

b. Claim Rejections - 35 U.S.C. § 103

Claims 235-237 and 261-263 are rejected under 35 U.S.C. § 103 as being obvious over Schultz. The Office asserts that the only element not taught by the reference is the iteration variables, but this aspect would have been obvious to one of skill in the art. See Office Action, p. 5.

To establish a *prima facie* case of obviousness, there needs to be (1) some suggestion or motivation to modify the reference or to combine reference teachings, (2) a reasonable expectation of success, and (3) the prior art references, when combined, must teach or suggest all the limitations of the claimed invention. *See* MPEP §2143 (Aug. 2001). “Both the suggestion and the reasonable expectation of success must be founded in the prior art, not in the applicant’s disclosure.” *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991). Applicants respectfully assert that the examiner has not met his burden.

As noted above, the Office concedes that Schultz does not teach a “sensor.” There is no suggestion or motivation in Schultz to configure the disclosed organic materials “to be operatively associated with a detector.” In light of the above, Applicants believe the Office

Atty. Dkt. No. 041358-0223
Appln. No. 09/770,089

has not met its burden of establishing a *prime facie* case of obviousness. Accordingly,
Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

Applicants submit the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 17-FEB-2006

By Rouget F. Henschel

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4059
Facsimile: (202) 672-5399

Rouget F. Henschel
Attorney for Applicant
Registration No. 39,221